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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,198	06/22/2001	Matthew A. Guido	N0093US	7255

37583 7590 07/19/2005

NAVIGATION TECHNOLOGIES
222 MERCHANDISE MART
SUITE 900, PATENT DEPT.
CHICAGO, IL 60654

EXAMINER

LU, KUEN S

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 09/887,198	Applicant(s) GUIDO ET AL.	
Examiner Kuen S. Lu	Art Unit 2167	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See 37 CFR 1.116 and 41.33(a).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 1-17, 29
Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).
13. ☐ Other: _____


**MOHAMMAD ALI
PRIMARY EXAMINER**

1. This is a continuation of PTO-303. Application No. 09/887,198.
2. The Applicant's Information Disclosure Statement, filed on July 1, 2005, have been accepted and signed off as attached.
2. The Applicant's Remarks, filed on July 1, 2005, have been fully considered but they are not persuasive, for the Examiner's response, please see discussion below.
- 2.1. At Pages 7-8, concerning claim 28, the Applicant argued the Polyakov reference fails to provide a teaching of "**dynamically forming a new advertising zone**".

As to the above argument, the Examiner submits that the Polyakov reference provides the teaching, as cited in the Final Office Action for Final Rejection, dated May 2, 2005 (hereafter "the Action"), by providing different messages when the vehicle enters different zones. Please note the advertising corresponding to the zone of a determined position is provided to the vehicle **dynamically** as vehicle traveling through different zones for most meaningful and efficient purposes. Based on the cited sections, new and different advertising zone is formed as the vehicle enters and is positioned at a new zone, the Examiner asserts the Polyakov reference teaches "**dynamically forming a new advertising zone**".

- 2.2. At Pages 9-10, concerning claim 1, the Applicant argued that neither Polyakov or Taschereau teaches "*associating with each data entity that represents a road segment located in the geographic region data that indicate in which of said advertising zone the road segments represented by the data entity is located*".

As to the above argument, the Examiner submits that at Pages 2-3, [0036]-[0051] wherein Taschereau's geortseg, road segment, and block of street are the road

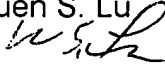
segment and, group of road segments, geocnt and geodis are the various geographic regions **teaches** associating with each data entity that represents a road segment located in the geographic region data; at Pages 2-4, [0036]-[0054] wherein Taschereau's geortseg, road segment, and block of street are the road segment and, group of road segments, geocnt and geodis are the various geographic regions, and further, a standard database technologies are utilized to manage geortseg, geocnt and geodis where the geographic region's entities are located and stored in the database **teaches** the road segments represented by the data entity is "located", and further at col. 2, lines 29-35 and 39-46, and col. 3, lines 18-23 wherein Polyakov's advertising areas are created based on information type, language, etc, and advertising information is transmitted to the zone corresponding to the control information **teaches** the said advertising zone. Furthermore, in order to establish *prima facie* case of obviousness in combining Polyaka and Taschereau references for providing the teaching of creating the advertising zone on the various geographic regions defined by the geortseg, road segment, and block of street are the road segment and, group of road segments, geocnt and geodis, Examiner respectfully, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious

to one having ordinary skill in the art at the time of the Applicant's invention was made to combine Polyakov's teaching into Taschereau's reference by associating hierarchy of advertising areas with the hierarchy of geographical regions because both references are devoted to geographical information and advertising. The combined reference would have equipped Wherein Taschereau's advertising system with hierarchical structure for further organizing advertising information with advertising zone structure such that the effectiveness of advertisement would have been enhanced. Please further refer to the backgrounds and summary of the references.

2.3: At Page 10, concerning claims 7 and 12, the Applicant argued that the Polyakov or Taschereau reference does not teach "associating ... located" and "advertising zone".

The Examiner respectfully applies the same response as previous described in item **2.2.**

3. Based on the above consideration and further reivew of Polyakov and Taschereau references, the Applicant's Remarks and arguments have been considered carefully, however, the Examiner maintains the same grounds as set forth in the Action of May 2, 2005 for the claims 1-17 and 28 rejection.

Kuen S. Lu

Patent Examiner

July 17, 2005


Mohammad Ali

Primary Examiner

July 17, 2005